

## DECLARATION

As a below named inventor, I hereby declare that:

This declaration is of the following type:

- |  |  |
|--|--|
| <input type="checkbox"/> original              | <input type="checkbox"/> divisional                      |
| <input type="checkbox"/> design                | <input type="checkbox"/> continuation                    |
| <input type="checkbox"/> supplemental          | <input checked="" type="checkbox"/> continuation-in-part |
| <input type="checkbox"/> national stage of PCT |  |

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled LENS FOR INCREASED DEPTH OF FOCUS, the specification of which

- (a) ☐ is attached hereto OR  
(b) ☒ was filed on March 12, 2004 as United States Application Serial No. 10/800,274 and was amended on \_\_\_\_\_ if applicable  
(c) ☐ was described and claimed in PCT International Application No. \_\_\_\_\_, filed on \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56, including for continuation-in-parts applications, material information which became available between the filing date of the prior application and the filing date of the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 USC 119 (a) – (d), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by check the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s) or any PCT international application having a filing date before that of the application of which priority is claimed.

- (d) ☒ no such applications have been filed  
(e) ☐ such application have been filed as follows:

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date
None	

I hereby claims the benefit under 35 USC § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 USC § 112, I acknowledge the duty to disclose material information as defined in 37 CFR § 1.56(a), regarding events which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status-patented, pending, abandoned
10/242,977	September 13, 2002	Patented
09/370,235	August 9, 1999	Patented

Direct all correspondence to :

Customer No.

34313

Orrick, Herrington & Sutcliffe LLP  
 Attn: SAMUEL B. STONE  
 4 Park Plaza, Suite 1600  
 Irvine, CA 92614-2558  
 Tel. (949) 567-6700  
 Fax. (949) 567-6710

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name J.	MIDDLE Initial Stuart	LAST Name Cumming	
	RESIDENCE & CITIZENSHIP	City Laguna Beach	State or Foreign Country California		Country of Citizenship United States
	POST OFFICE ADDRESS	1047 Emerald Bay	City Laguna Beach	State or Country CA	Zip Code 92651
INVENTOR'S SIGNATURE		<i>Stuart Cumming</i>			Date: <i>July 29 2004</i>

202	FULL NAME OF INVENTOR	FIRST Name	MIDDLE Initial	LAST Name	
	RESIDENCE & CITIZENSHIP	City	State or Foreign Country		Country of Citizenship
	POST OFFICE ADDRESS		City	State or Country	Zip Code
INVENTOR'S SIGNATURE		Date:			

203	FULL NAME OF INVENTOR	FIRST Name	MIDDLE Initial	LAST Name	
	RESIDENCE & CITIZENSHIP	City	State or Foreign Country		Country of Citizenship
	POST OFFICE ADDRESS		City	State or Country	Zip Code
INVENTOR'S SIGNATURE		Date:			



Attorney Docket No.: 13533.4041

### POWER OF ATTORNEY BY ASSIGNEE

eyeonics, inc., assignee of the application for United States and International Letters Patent for an improvement in:

### LENS FOR INCREASED DEPTH OF FOCUS

the specification of which:

- (a) ☐ is attached hereto OR  
(b) ☒ was filed on March 12, 2004 as United States Application Serial No. 10/800,724  
and was amended on \_\_\_\_\_ if applicable  
(c) ☐ was described and claimed in PCT International Application No. \_\_\_\_\_  
filed on \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

does hereby appoint as its attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefore before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified application, all of the registered practitioners identified by Customer Number 34313.

Direct all correspondence to :

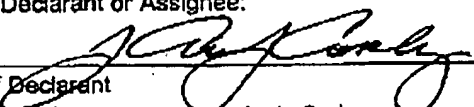
Customer No.                      Orrick, Herrington & Sutcliffe LLP  
34313                                  Attn: Samuel B. Stone  
    4 Park Plaza, Suite 1600  
    Irvine, CA 92614-2558  
    Tel. (949) 567-6700  
    Fax. (949) 567-6710

I, the undersigned, declare that I have reviewed copies of the documentary evidence establishing chain of title to the patent application identified above from the inventor(s) to the assignee(s), which:

- ☒ is filed for recordation herewith; or  
☐ was recorded at Reel \_\_\_\_\_, Frame \_\_\_\_\_; or  
☐ has been sent for recordation under separate cover, copy attached herewith.

The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Assignee: <u>eyeonics, inc.</u>	
Post Office Address <u>6 Journey, Suite 125, Aliso Viejo, California 92656</u>	
Signature of Declarant or Assignee: 	Date: <u>7-29-04</u>
Full Name of Declarant If Other Than Assignee: <u>J. Andy Corley</u>	
Title of Declarant: <u>President/CEO</u>	